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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
EASTERN DIVISION

FRANK SINGH,

Plaintiff,

v.

KINGS BREWING, INC., as an entity and
doing business as “Kings Brewing”, **CHARLES**
MICHAEL PFISTER, MATTHEW K.
PFISTER, MARTA H. PFISTER, and **DOES**
1-50, Inclusive,

Defendants.

Case No.:

**COMPLAINT BY FRANK SINGH AGAINST
KINGS BREWING, INC., *et al.*, FOR
DAMAGES AND INJUNCTIVE RELIEF
RESULTING FROM VIOLATIONS OF 1)
TITLE III OF THE AMERICANS WITH
DISABILITIES ACT OF 1990; 2) THE UNRUH
CIVIL RIGHTS ACT; and 3) THE
CALIFORNIA DISABLED PERSONS ACT.**

[42 U.S.C. §§ 12101-12213; Cal. Civ. Code §§ 51,
52, 54, 54.1, 54.2 and 54.3.]

Comes now the Plaintiff, FRANK SINGH, (hereafter, “Mr. Singh” or “Plaintiff”) through his
Attorney, DANIEL MALAKAUSKAS, 7345 South Durango Drive, Suite B-107-240, Las Vegas, NV
89113; Telephone: (866) 790-2242; Facsimile: (888) 802-2440; who, having been denied his civil
rights, hereby respectfully alleges, avers, and complains as follows:

THIS COURT CAN GRANT JUSTICE TO A DISABLED INDIVIDUAL

COMPLAINT BY SINGH AGAINST KINGS BREWING, INC., ET AL., FOR DAMAGES AND INJUNCTIVE RELIEF

1 1. Mr. Singh is a disabled person, confined to a wheelchair, who suffers from the medical
2 condition C-6-7 Tetraplegia.

3 2. In October 2022, Mr. Singh was denied the full and equal access to a public
4 accommodation located at 8560 Vineyard Avenue, Suite 301, Rancho Cucamonga, CA 91730.

5 3. Mr. Singh now asks that this Court stand up for his rights under the Americans with
6 Disabilities Act (“ADA”), the Unruh Civil Rights Act (“UCRA”) and the California Disabled Persons
7 Act (“CDPA”).
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9
10 **THE UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA,**
11 **EASTERN DIVISION, HAS JURISDICTION AND IS THE PROPER VENUE FOR**
12 **PLAINTIFF TO SEEK JUSTICE**

13 4. The United States District Court has original federal question jurisdiction over this action
14 pursuant to 28 U.S.C. § 1331 and § 1343(a)(3) and (a)(4), for violations of the Americans with
15 Disabilities Act, 42 U.S.C. §§ 12101, *et seq.* This Court has supplemental jurisdiction over all state
16 claims, including, but not limited to, claims under the Unruh Civil Rights Act, Cal. Civ. Code § 51, *et*
17 *seq.*, and/or the California Disabled Persons Act, Cal. Civ. Code §§ 54-55.3, pursuant to 28 U.S.C. §
18 1367 as such acts not only expressly incorporate the Americans with Disabilities Act, but such state
19 law claims also arose from the same nucleus of operative facts or transactions.
20

21 5. Venue in this Court is proper under 28 U.S.C. § 1391(b)(2) as the claims alleged herein
22 arose in the Central District, specifically at the real property located at 8560 Vineyard Avenue, Suite
23 301, Rancho Cucamonga, CA 91730.

24 6. The Eastern Division of the Central District of California, is the proper division because
25 all claims herein arose at the real property located at 8560 Vineyard Avenue, Suite 301, Rancho
26 Cucamonga, CA 91730.
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THE VICTIM AND THOSE RESPONSIBLE

7. Mr. Singh is a disabled person, confined to a wheelchair, who suffers from the medical condition C-6-7 Tetraplegia. Mr. Singh is therefore a “person with a disability” and a “physically disabled person” and has a “disability” or “medical condition” pursuant to the rules and regulations of the ADA, specifically 42 U.S.C § 12102 and Cal. Civ. Code §§ 51 and 54. Mr. Singh has filed Thirteen (13) complaints (if including this complaint) alleging construction related accessibility violations in the proceeding twelve (12) months and is therefore a high-frequency litigant pursuant to Cal. Code of Civ. P. §425.55.

8. Defendants, KINGS BREWING, INC., and Does 1-50 (hereafter, collectively or individually, “Tenant”), operate as a business establishment, hold themselves out to the public, and do business as “Kings Brewing” at 8560 Vineyard Avenue, Suite 301, Rancho Cucamonga, CA 91730., and have substantial control over the interior and exterior of the building, the parking lot, and all spaces adjacent to such building.

9. Defendants, CHARLES MICHAEL PFISTER, MATTHEW K. PFISTER, MARTA H. PFISTER, and Does 1-50 (hereafter, collectively or individually, “Landlord”, in their commercial real estate investment, owner, or landlord capacity), own, operate, manage, and have substantial control over the real property, including the interior and exterior of the building, parking lot and all spaces adjacent to the building located at 8560 Vineyard Avenue, Suite 301, Rancho Cucamonga, CA 91730.

10. Defendants, Does 26-50, are individuals, businesses, organizations, or entities which entered into a contract with Defendants, Landlord, and/or Does 1-50, as property managers or franchisees for the real property and adjacent parking lot, and as such have substantial control over the real property located at 8560 Vineyard Avenue, Suite 301, Rancho Cucamonga, CA 91730..

1 11. The true names and capacities of the Defendants named herein as Does 1-50, inclusive,
2 whether individual, corporate, partnership, association, or otherwise, are unknown to Plaintiff who
3 therefore sues these Defendants by such fictitious names. Plaintiff requests leave of court to amend this
4 complaint to allege their true names and capacities at such times as they are ascertained.
5

6 12. Plaintiff is informed and believes and thereon alleges that each of the Defendants,
7 including Does 1-50, caused and are responsible for the below described unlawful conduct and
8 resulting injuries by, among other things, personally participating in the unlawful conduct or acting
9 jointly or conspiring with others who did so; by authorizing, acquiescing in or setting in motion
10 policies, plans or actions that led to the unlawful conduct; by failing to take action to prevent the
11 unlawful conduct; by failing and refusing with deliberate indifference to Plaintiff's rights to equal
12 access to public spaces; and by ratifying the unlawful conduct that occurred by agents, and officers or
13 entities under their direction and control.
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16 **MR. SINGH WAS DENIED EQUAL ACCESS TO A**
17 **PUBLIC ACCOMMODATION AND NOW FIGHTS FOR ALL DISABLED**

18 13. Mr. Singh is a disabled person, confined to a wheelchair, who suffers from the medical
19 condition C-6-7 Tetraplegia. Mr. Singh is therefore a "person with a disability" and a "disabled person"
20 and has a "disability" or "medical condition" pursuant to federal law, rules and regulations, specifically
21 42 U.S.C § 12102, and 28 C.F.R. § 36.104.
22

23 14. In October 2022, Mr. Singh desired to go to and use the services, and/or buy products at
24 the "Kings Brewing" located at 8560 Vineyard Avenue, Suite 301, Rancho Cucamonga, CA 91730.
25 The business "Kings Brewing" is near Mr. Singh's home and his wished to try a new brewery.
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1 15. While in the parking lot adjacent to, surrounding, or while inside the business “Kings
2 Brewing,” Mr. Singh personally encountered barriers that interfered with his ability, to use and enjoy
3 the goods, services, privileges and accommodations offered by the facility.
4

5 16. Specifically, and personally, Mr. Singh experienced difficulty while going to the
6 business known as “Kings Brewing.” Mr. Singh had difficulty as the alleged accessible parking spaces
7 and access aisles had improper slopes making it more difficult for Mr. Singh to use in his wheel chair.
8 In addition, there were no accessible dining surfaces outside which made it more difficult for Mr. Singh
9 to find a place to drink. This caused Mr. Singh difficulty and hardship.
10

11 17. Despite Mr. Singh’s wish to patronize the business in the future, as the business is near
12 his home and Mr. Singh enjoys visiting different bars and breweries, the above-mentioned barriers
13 constitute deterrents to access to the business, rendering the business’ goods, services, facilities,
14 privileges, advantages, and accommodations unavailable to physically disabled patrons such as
15 himself.
16

17 18. Mr. Singh alleges, on information and belief, that Defendants knew that such barriers
18 existed and that Defendants’ failure to remove the barriers was intentional as the particular barriers
19 mentioned above were intuitive and obvious. Additionally, Defendants exercised control and dominion
20 over the condition of the real property and building and had the financial resources to remove such
21 barriers. Furthermore, Mr. Singh alleges, on information and belief, that such modifications were
22 readily achievable as removal of the above barriers could have been achieved without much difficulty
23 or expense.
24

25 19. Mr. Singh brings this lawsuit to encourage Defendants to ensure their property is
26 accessible to all.
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**FIRST CLAIM
VIOLATION OF TITLE III OF THE ADA
(As to all Defendants)**

20. Plaintiff hereby incorporates and realleges, as if fully set forth herein, each and every allegation contained in all prior and subsequent paragraphs.

21. The parking lot and building at the real property known as 8560 Vineyard Avenue, Suite 301, Rancho Cucamonga, CA 91730. is owned, controlled, operated, leased, and managed by Defendants: Tenant, Landlord, Does 1-50, or their agents. The business “Kings Brewing,” including its parking lot, is open to the general public and as such is a “public accommodation” under 42 U.S.C. § 12181 and 28 C.F.R. § 36.104.

22. Pursuant to 42 U.S.C. § 12182(a), by owning, leasing, or operating the public accommodation known as “Kings Brewing,” Defendants are prohibited from discriminating against Plaintiff by denying him, on the basis of his disability, the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations offered by the facility.

23. In order to avoid discriminating against a disabled individual pursuant to 28 C.F.R. § 36.101 and § 36.102, Defendants must ensure that such public accommodation is designed, constructed, and altered in compliance with the accessibility standards established by 28 C.F.R. § 36.101 *et seq.*, and have proper policies, practices, and procedures to ensure that individuals with disabilities are afforded equal access to the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations offered by the public accommodation. 42 U.S.C. §§ 12181(9), 12182(b)(2)(A)(iv) and (v), 12183(a)(1) and (2).

24. Mr. Singh is a disabled person, confined to a wheelchair, who suffers from the medical condition C-6-7 Tetraplegia. Plaintiff is therefore a “person with a disability” and a “disabled person” and has a “disability” or “medical condition” pursuant to federal law, rules and regulations, specifically 42 U.S.C § 12102 and 28 C.F.R. § 36.104. While at the interior, exterior, parking lot, or adjacent

spaces, of the business known as “Kings Brewing,” Plaintiff personally encountered a number of barriers that interfered with his ability, to use and enjoy the goods, services, privileges and accommodations offered at the facility.

25. Specifically, Defendants failed to ensure that such real property was equally accessible to individuals with disabilities and medical conditions by having the following barriers at the real property:

- a. The alleged accessible parking space(s) and access aisle(s)’ slope(s) exceed two percent (2%) in violation of 1991 ADAAG 4.6.3, 2010 ADAS 502.4 Exception, 2013 CBC 11B-502.4 Exception and 2016 CBC 11B-502.4 Exception;
- b. One or more of the alleged accessible parking spaces fail to have “VAN ACCESSIBLE” identification signage in violation of 1991 ADAAG 4.6.1, 2010 ADAS 502.6, 2013 CBC 11B502.6, 2016 CBC 11B-502.6;
- c. One or more of the alleged accessible parking spaces fail to have “MINIMUM FINE \$250” identification signage in violation of 2013 CBC 11B-502.6.2, 2016 CBC 11B-502.6.2;
- d. The required accessible parking space identification signage is not provided at one or more of the alleged accessible parking stalls in violation of 1991 ADAAG 4.6.4, 2010 ADAS 502.6, 2013 CBC 11B-502.6 and 2016 CBC 11B-502.6;
- e. One or more of the alleged accessible parking spaces fail to have an access aisle in violation of 1991 ADAAG 4.6.3, 2010 ADAS 208.1, 2013 CBC 11B-208.1 2016 CBC 11B-208.1;
- f. One or more of the alleged parking space’s access aisles are not marked with a blue borderline in violation of 2013 CBC 11B502.3.3 and 2016 CBC 11B-502.3.3;

1 g. One or more of the alleged accessible parking spaces' access aisle is not marked with
2 the statement "NO PARKING" in violation of 2010 ADAS 502.3.3, 2013 CBC 11B 502.3.3
3 and 2016 CBC 11B-502.3.3;

4 h. One or more alleged accessible parking spaces fails to provide ISA signage inside the
5 parking spaces in violation of 1991 ADAAG A4.6.4, 2010 ADAS 502.6, 2013 CBC 11B-502.6
6 and 2016 CBC 11B-502.6;

7 i. The clear width of the alleged accessible route is less than forty-eight (48") inches in
8 violation of 2010 ADAS 403.2, 2013 CBC 11B-403.2, and, 2016 CBC 11B-403.5.1 as parked
9 cars can obstruct the clear width;

10 j. The bottom handrail extensions are not provided (or the handrails are missing on one
11 side) on the alleged accessible route's ramp (despite the ramp having a rise greater than six
12 (6") inches) in violation of 1991 ADAAG 4.8.5, 2010 ADAS 405.8, 2013 CBC 11B-405.8 and
13 2016 CBC 11B-405.8;

14 k. The bottom ramp landing is not 72" minimum in violation of CBC Section 11B-
15 405.7.3.1;

16 l. There are not enough accessible dining surfaces provided in violation of 1991 ADAAG
17 5.1, 2010 ADAS 226.1, 2013 CBC 11B-226.1, 2016 CBC 11B-226.1.

18 26. As a direct and proximate cause of Defendants' conduct, Plaintiff, on the basis of his
19 disabilities, was denied the opportunity to participate in or benefit from a good, service, privilege,
20 individuals in violation of 42 U.S.C. § 12181.

21 27. Plaintiff seeks injunctive relief to prohibit Defendants' acts and omissions as complained
22 of herein which have the effect of wrongfully discriminating against Plaintiff and other members of the
23 public who are physically disabled from full and equal access to these public facilities. Specifically,
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1 Plaintiff seeks injunctive relief ensuring that Defendants modify their real property to ensure that
2 disabled persons are not discriminated against in receiving equal access to goods, services, and facilities
3 as other more able-bodied persons.
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6 **SECOND CLAIM**
7 **VIOLATIONS OF CALIFORNIA CIVIL CODE § 51**
8 **(As to all Defendants)**

9 28. Plaintiff hereby incorporates and realleges, as if fully set forth herein, each and every
10 allegation contained in all prior and subsequent paragraphs.

11 29. Any violation of the ADA 42 U.S.C. §§ 12101-12213 also constitutes a violation of Cal.
12 Civ. Code § 51(f) and § 52(a), thus independently justifying an award of damages and injunctive relief
13 pursuant to California law.

14 30. On the basis of his disabilities, Plaintiff was denied the opportunity to participate in or
15 benefit from a good, service, privilege, advantage or accommodation in a manner equal to that afforded
16 to other non-disabled individuals which resulted in Plaintiff's difficulty, discomfort, or embarrassment.
17 Therefore, pursuant to Cal. Civ. Code § 55.56(a) through (c), Plaintiff is entitled to attorneys' fees,
18 costs, and damages of no less than four-thousand U.S. dollars (4,000 USD) for each and every violation.
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21 **THIRD CLAIM**
22 **VIOLATIONS OF CALIFORNIA CIVIL CODE § 54**
23 **(As to all Defendants)**

24 31. Plaintiff hereby incorporates and realleges, as if fully set forth herein, each and every
25 allegation contained in all prior and subsequent paragraphs.

26 32. Any violation of the ADA 42 U.S.C. §§ 12101-12213 also constitutes a violation of Cal.
27 Civ. Code § 54.1(d) and § 54.3(a), thus independently justifying an award of damages and injunctive
28 relief pursuant to California law.

1 33. On the basis of his disabilities, Plaintiff was denied the opportunity to participate in or
 2 benefit from a good, service, privilege, advantage or accommodation in a manner equal to that afforded
 3 to other non-disabled individuals, which resulted in Plaintiff's difficulty, discomfort or embarrassment.
 4 Therefore, pursuant to Cal. Civ. Code § 55.56(a) through (c), Plaintiff is entitled to attorneys' fees,
 5 costs, and damages on no less than one-thousand U.S. dollars (1,000 USD) for each and every violation.
 6

7 8 PRAYER

9 WHISEFORE, Plaintiff prays the following:
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11 1. For injunctive relief directing Defendants to modify their facilities and policies as
 12 required by law to comply with ADA regulations, including the ADAAG where required; institute
 13 policy to enable Plaintiff to use goods and services offered to the non-disabled public; provide adequate
 14 access to all citizens, including persons with disabilities; issue a permanent injunction directing
 15 Defendants to maintain their facilities usable by Plaintiff and similarly situated person with disabilities
 16 in compliance with federal regulations, and which provide full and equal access, as required by law;
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18 2. Retain jurisdiction over Defendants until such time as the Court is satisfied that
 19 Defendants' unlawful policies, practices, acts and omissions, and maintenance of inaccessible public
 20 facilities as complained of herein no longer occur and will not recur;

21 3. Award Plaintiff all appropriate damages, including, but not limited to, either statutory
 22 damages of no less than four-thousand U.S. dollars (4,000 USD) for each and every violation of Cal.
 23 Civ. Code § 51, or no less than one-thousand U.S. dollars (1,000 USD) for each and every violation of
 24 Cal. Civ. Code § 54, with either Cal. Civ. Code § 51 or § 54 being elected prior to, or at, trial, but not
 25 both, and general damages in an amount within the jurisdiction of the Court, according to proof;
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1 4. Award Plaintiff all litigation expenses and costs of this proceeding, and all reasonable
2 attorneys' fees as provided by law, including but not limited to, 42 U.S.C. § 12205, Cal. Civ. Code §§
3 52 and 54.3; and
4

5 5. Grant such other and further relief as this Court may deem just and proper.
6

7 Dated: November 19th, 2022
8

9 /s/ Daniel Malakauskas
10 By: DANIEL MALAKAUSKAS
11 Attorney for PLAINTIFF
12 FRANK SINGH

13 **VERIFICATION**

14 I declare under penalty of perjury under the laws of the state of California that the above is true
15 and correct.
16

17 Dated: November 19th, 2022.

18 /s/Frank Singh
19 By: FRANK SINGH, PLAINTIFF
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